PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 24, 19 79

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

The Common Council of the City of Fort Wayne met in the Council Chambers Tuesday evening July 24 A.D., 19 79, in Regular Session. President Winfield C. Moses, Jr. in the chair, and Charles W. Westerman Clerk, at the desk, present the following members viz:

BURNS X, HINGA X, HUNTER X,
MOSES X, NUCKOLS X, DONALD SCHMIDT X,
VIVIAN SCHMIDT X, STIER X, TALARICO X,

ABSENT _____

COUNCILMAN _____, _____, _____,
_____, _____, _____,

The invocation was given by _____

_____

Received report from the City Controller for the month of _____, 19_____. Motion made and carried that report be made a matter of record and placed on file.

The minutes of the last Regular _____, 19_____,
_____, 19_____,
Special _____, 19_____,
Session having been delivered to the Council, were, on motion, approved and published.

RETURN CERTIFICATE

(Regulatory Resolution No. 51/79/D 52/79/E)

I hereby certify that I did this 12th day of July, 1979 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 51/79/D 52/79/E of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Jerry Coonan

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 51/79/D

(Adopted July 12, 1979)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 14 of said chapter delegates to this Board authority to PREFERENTIAL INTERSECTION (DELEGATED) ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 10, 1979, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 14 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective July 12, 1979, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

PREFERENTIAL INTERSECTION (DELEGATED)

Brentwood Ave. -- preferential -- at Wildrose Dr.

Eastrowe St. -- preferential -- at Grayston Ave.

REGULATORY RESOLUTION NO. 52/79/E

(Adopted July 12, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to ONE WAY ALLEY (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 10, 19 79, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective July 12, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

ONE WAY ALLEY (EMERGENCY)

The alley between Berry St. and Wayne St. One Way Eastbound from Barr St. to Lafayette St.

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 53/79/E
54/79/D

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

RETURN CERTIFICATE

(Regulatory Resolution No. 53/79/E 54/79/D)

I hereby certify that I did this 23rd day of July, 19 79 deliver to each, the City Traffic Engineer, the Chief of Police, the City Attorney, the City Clerk and the President of the Common Council of the City of Fort Wayne, Indiana respectively, a copy of the within Regulatory Resolution No. 53/79/E 54/79/D of the Board of Public Safety of the City of Fort Wayne, duly certified by me as Chairman of said Board, in accordance with the provisions of Section 17-4 of Chapter 17, of the Code of the City of Fort Wayne, Indiana 1974.

Terry Cooney

CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 54/79/E

(Adopted July 23, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to STOP INTERSECTION (EMERGENCY)

: AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 19, 19 79, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective July 23, 19 79, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

STOP INTERSECTION (EMERGENCY)

Lexington Ave. -- stop -- for Hartman Rd.

REGULATORY RESOLUTION NO. 53/79/D

(Adopted July 23, 19 79)

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make regulations to carry out its delegated authority thereunder; and,

WHEREAS, Section 120 of said chapter delegates to this Board authority to NO PARKING 7 AM to 4 PM SCHOOL DAYS ONLY (DELEGATED) ; and,

WHEREAS, the City Traffic Engineer has, by written memorandum dated July 19, 19 79, submitted to this Board his advice with regard to the regulation hereinafter adopted, which written memorandum is on file in the office of this Board:

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA

That, pursuant to the authority delegated to this Board by Section 120 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974, it is hereby ordered, effective July 23, 19 79, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

NO PARKING 7 AM TO 4 PM SCHOOL DAYS ONLY (DELEGATED)

Thames Dr. -- both sides -- from Victoria Dr. to Glencairn Dr.

CALL, CONSENT AND WAIVER OF NOTICE OF A SPECIAL MEETING OF THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA, TO BE HELD TUESDAY, July 31, 1979 - 7:00 o'clock P.M., E.S.T. ROOM 126, COMMON COUNCIL CHAMBERS

We, the undersigned, being all of the members of the Common Council of the City of Fort Wayne, Indiana do hereby call a special meeting of said Council to be held on Tuesday, July 31, 1979 at 7:00 o'clock P.M., E.S.T. and jointly and severally waive notice of the time, place and purpose of said meeting and consent that same be held on the aforesaid date for the purpose of fixing the salaries of each and every appointive official, employee, deputy, assistant, departmental and institutional head of the City of Fort Wayne, Indiana, for the year 1980 --- Bill No. S-79-07-24. for action and passage.

Vivian G. Schmidt

Paul M. Burns

Fredrick R. Hunter

William T. Hinga

Winfield C. Moses, Jr.

John Nuckols

Donald J. Schmidt

James S. Stier

Samuel J. Talarico

DATED THIS 24th July, 1979

CHARLES W. WESTERMAN
CITY CLERK

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

16 July 1979

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. 2836, amending Chapter 36 of the Municipal Code of the City of Fort Wayne, Indiana, 1946). The proposed ordinance is designated as:

Bill No. Z-79-05-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
16th day of July 1979.

Thomas G. Adams

Thomas G. Adams
Secretary

AN EQUAL OPPORTUNITY EMPLOYER

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

16 July 1979

Members of the Common Council
City-County Building
One Main Street
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a resolution pertaining to a zoning ordinance amendment acted upon by the City Plan Commission at their meeting held June 25, 1979. In addition to the reasons outlined in the resolution the following additional remarks pertaining to the ordinance.

1. Bill No. Z-79-05-08

2. From RA to M1

3. Intended Use: Payless Cashways Store

4. Plan Commission Recommendation: DO PASS with the following conditions.

   PERFECTION: The East 460 feet from the centerline is to be perfected from M-1 to B-3-B with the balance of the property to be M-1.

   CONDITIONS:

   a. Right-of-way dedication along Anthony Boulevard consistent with that right-of-way north of this site.

   b. The mounding, landscaping, and fencing as submitted by Payless Cashways, Inc., be installed prior to the occupancy of the property.

(SEE ATTACHED)

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

CITY PLAN COMMISSION

Gary F. Baeten

Gary F. Baeten
Senior Planner

GFB:pb

AN EQUAL OPPORTUNITY EMPLOYER

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on May 22, 1979, referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-79-05-08; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and.

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 18, 1979;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance be PERFECTED - the East 460 feet from the centerline is to be perfected from M-1 to B-3-B with the balance of the property to be M-1, and DO PASS for the reasons that a need has been shown for the Land Use Plan to be amended, the amendment will be in the best interest of and benefit to the area involved and of and to the City, and the amendment will not be detrimental to and does not conflict with the overall City Plan;

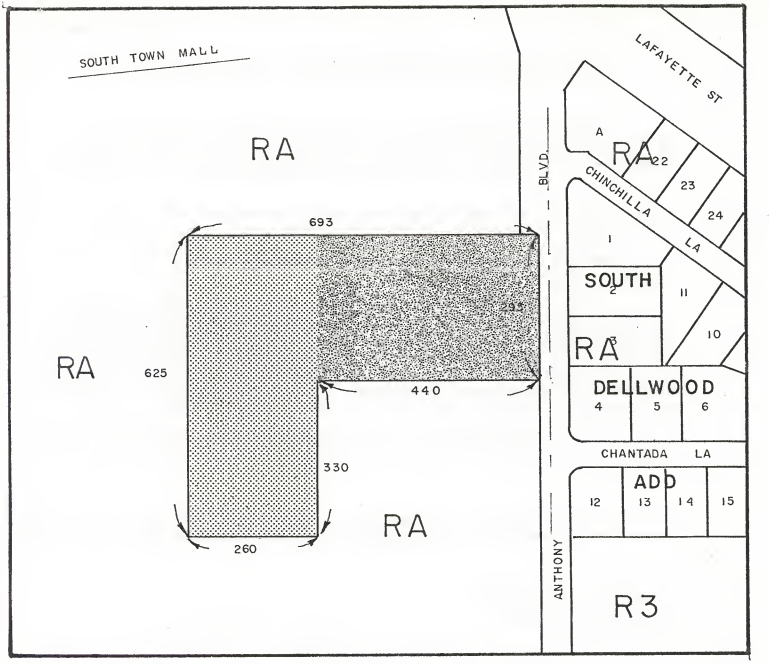
BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 25, 1979.

Certified and signed this
16th day of July 1979.

Thomas G. Adams

Thomas G. Adams
Secretary



CHANGE FROM RA TO M-1

Map No. O-31

Z-79-05-08

N

PERFECTED EAST 460 FEET FROM CENTERLINE FROM M-1 TO B-3-B

Prepared By R.K.

Date 2 May 1979

STREET DEDICATION DEED

THIS INDENTURE WITNESSETH, that Spring Grove Farms, by: Floyd B. Kelsey, Jr., Partner, of Fort Wayne, State of Indiana, does hereby, in consideration of $ 1.00 and other good and valuable consideration, dedicate to the CITY OF FORT WAYNE and to the public for street, sidewalk, and utility purposes, the following described real estate, to wit:

A part of the South one-half of the South one-half of the Northeast one-quarter of Section 36, Township 30 North, Range 12 East, Allen County, Indiana, more particularly described by metes and bounds as follows, to-wit:

Beginning at the Northeast corner of the South one-half of the South one-half of said Northeast one-quarter; thence South, on and along the East line of said Northeast one-quarter, being also the centerline of South Anthony Boulevard, 625 feet; thence Westerly by a deflection angle right of 89° 24' and parallel to the North line of the South one-half of said South one-half of said section, 50.0 feet; thence Northerly and parallel to the East line of said Northeast one-quarter of said section, a distance of 625.0 feet to a point on the North line of the South one-half of the South one-half of said Northeast one-quarter of said section; thence Easterly on and along said North line 50.0 feet to the point of beginning.

The purpose of this instrument is to provide 50 feet of right-of-way from the center line of Anthony Boulevard.

IN WITNESS WHEREOF, the following have hereunto set their hands and seal this thirteenth (13th) day of July, 1979.

Spring Grove Farms, A partnership

BY: X Floyd B Kelsey Jr Partner

BY: _____

BY: _____

ACKNOWLEDGMENT

STATE OF Indiana)
)SS:
COUNTY OF Allen)

Before me, the undersigned, a Notary Public in and for said County and State, this 13th day of July, 1979, personally appeared the within named Floyd B. Kelsey, Jr., Grantor in the above conveyance, and acknowledged the execution of the same to be their voluntary act and deed, for the uses and purposes herein mentioned.

IN WITNESS WHEREOF, I have hereunto set my name and affixed my official seal.

Margaret S. Drake

Notary Public (Margaret S. Drake)
Resident of Allen County, Indiana

My Commission Expires:

July 1, 1980

This instrument prepared by:
Harvey M. Woodring
Land Acquisition Agent
Street Engineering Department

Grantor(s) certify under oath that no Indiana Gross Income Tax is due or payable in respect to the transfer made by this deed.

Spring Grove Farms 4823 LIMA ROAD FORT WAYNE, INDIANA

484-0711
~~748-6521~~

July 12, 1979

Mr. Gary P. Baeten
City Plan Commission
City County Building
One Main Street
Fort Wayne, In. 46802

Dear Mr. Beaten:

Re: Bill No. Z-79-05-08
6.6 acres on South Anthony
south of Southtown Mall

I am in receipt of your letter to Mr. Gary Trent and agree that we will see that conditions 1, 2 and 3 of your letter are complied with as a condition of our land lease with Payless Cashways, Inc.

We hope this commitment will satisfy your requirements. If not, please advise.

Very truly yours,

Floyd B. Kelsey, Jr.

FBK,JR:msd

President of the Common Council
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of Public Safety Regulatory Resolution Numbers: 51/79/D
52/79/E

For the purpose of enforcement, please make this communication and the attached Regulatory Resolutions a matter of record and incorporate them into the minutes of the next Common Council Meeting.

Respectfully submitted,

Terry Coonan

Terry Coonan, Chairman
Board of Public Safety

THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

office of the mayor

July 13, 1979

To the Common Council
Fort Wayne, Indiana

Gentlemen and Mrs. Schmidt:

Today, July 13, 1979, I have approved the following ordinances passed by the Common Council at its regular meeting on July 10, 1979.

(Bill No. S-79-06-20)
SPECIAL ORDINANCE NO. S-106-79

AN ORDINANCE approving an Agreement to Purchase Real Estate with Horace J. Lee

(Bill NO. S-79-06-21)
SPECIAL ORDINANCE NO. S-107-79

AN ORDINANCE approving an Agreement to Purchase Real Estate with Kim L. Wallace

(Bill No. R-79-07-06)
RESOLUTION NO. R-31-79

A RESOLUTION authorizing payment to various agencies for repair of various vehicles

(Bill No. R-79-07-07)
RESOLUTION NO. R-32-79

A RESOLUTION authorizing payment to various vendors for repair parts for the Traffic Engineering Department

© F.W.B.C. 1974

(Bill No. R-79-07-21)
RESOLUTION NO. R-33-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $1,250,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. R-79-07-22)
(as corrected)
RESOLUTION NO. R-34-79

A RESOLUTION finding, determining and ratifying an inducement resolution of the Fort Wayne Economic Development Commission authorizing the issuance and sale of $4,500,000.00 Economic Revenue Bonds of the City of Fort Wayne, Indiana, for the purpose of inducing the Applicant to proceed with the acquisition, construction and equipping of the Project

(Bill No. G-79-01-11)
GENERAL ORDINANCE NO. G-15-79

AN ORDINANCE amending General Ordinance No. G-97 by authorizing the vacation of a certain alley

(Bill NO. S-79-06-26)
SPECIAL ORDINANCE NO. S-108-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5834-79, between the City of Fort Wayne, Indiana and Summit City Wrecking, Inc. for demolition Wells Street Buildings

(Bill No. S-79-06-27)
SPECIAL ORDINANCE NO. S-109-79

AN ORDINANCE approving a contract for Street Improvement Resolution No. 5832-79, between the City of Fort Wayne, Indiana and Hipskind Asphalt Corporation for retaining walls at Penn Central Elevation

(Bill No. S-79-06-28)
SPECIAL ORDINANCE NO. S-110-79

AN ORDINANCE approving a contract for Street Improvement Resolution NO. 5826-79 between the City of Fort Wayne, Indiana and Hipskind Asphalt Corporation for improving and resurfacing a certain intersection

(Bill No. S-79-06-15)
SPECIAL ORDINANCE NO. S-111-79

AN ORDINANCE approving Change Order No. 1 for Contract 77-W-3, in connection with St. Joseph Dam and Pump Station Additions

(Bill No. S-79-06-29)
SPECIAL ORDINANCE NO. S-112-79

AN ORDINANCE approving Sewer Contract No. 877-79, between the City of Fort Wayne, Indiana and T-G Excavating, Inc., for Wilkie's Addition sanitary sewer

(Bill No. S-79-06-31)
SPECIAL ORDINANCE NO. S-113-79

AN ORDINANCE approving City Utilities Purchase Order No. 1148 with V.R. Myers Pump for equipment for the Water Maintenance & Service Department

(Bill No. S-79-06-32)
SPECIAL ORDINANCE NO. S-114-79

AN ORDINANCE approving an Agreement with Macke Development Corporation, for construction of a sanitary sewer

(Bill No. G-79-05-25)
GENERAL ORDINANCE NO. G-16-79

AN ORDINANCE AMENDING ARTICLE II, CHAPTER 13, SECTION 13-19 OF THE CODE OF THE CITY OF FORT WAYNE, INDIANA OF 1974

Respectfully yours,

Robert E. Armstrong
Mayor

To be made a matter of record.

R. H. Loney
6324 Holgate Drive
Fort Wayne, IN 46816
July 11, 1979

Editor
Journal-Gazette
600 West Main Street
Fort Wayne, IN 46802

Dear Editor:

Those who served with me on the Fire Merit Commission have asked me to publicly extend their thanks to the following persons for their assistance to the Commission over the past year:

John Beams
Terry Coonan
Don Esterline
Ron Hamm
John Logan
Tom Loraine
Charlie Westerman

A special thanks goes to Fire Department Secretary, Gertrude Steward, who typed our many letters and the minutes of our meetings.

Our Commission tried to remain nonpolitical and it was particularly gratifying to us that our help came from members of both political parties.

Sincerely yours,

Richard H. Loney

Richard H. Loney
Acting Chairman

CC: Rev. Jim Bledsoe
Mr. Jim Doelling
Mr. George Hood
Mr. Ed Ohora

R. H. Loney
6324 Holgate Drive
Fort Wayne, IN 46816
July 11, 1979

Editor
News-Sentinel
600 West Main Street
Fort Wayne, IN 46802

Dear Editor:

Those who served with me on the Fire Merit Commission have asked me to publicly extend their thanks to the following persons for their assistance to the Commission over the past year:

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Sincerely yours,

Richard H. Loney
Acting Chairman

CC: Rev. Jim Bledsoe
Mr. Jim Doelling
Mr. George Hood
Mr. Ed Ohora

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 24th day of July, 1979 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 31st day of July, 1979.

Charles W. Westerman

Charles W. Westerman
City Clerk